

IN THE CRIMINAL COURT  
OF MADISON COUNTY, TENNESSEE  
AT JACKSON, DIVISION I

---

STATE OF TENNESSEE

VS.

No. 96-589

JON DOUGLAS HALL

---

OPENING STATEMENTS & CLOSING ARGUMENTS

PENALTY PHASE

FEBRUARY 5, 1997

---

AMY MAYS

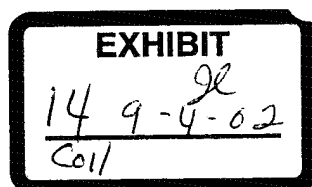
OFFICIAL COURT REPORTER

MADISON COUNTY CRIMINAL JUSTICE COMPLEX

JACKSON, TENNESSEE 38301

(731) 423-6039

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ORIGINAL

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APPEARANCES

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Before the Honorable:

**WHIT LAFON, Judge**

For the State:

**MR. JERRY WOODALL**

**MR. AL EARLS**

District Attorney General's Office  
Lowell Thomas State Office Building  
Jackson, Tennessee 38301

For the Defendant:

**MR. JESSE HILL FORD, III**

**MR. CLAYTON F. MAYO**

Ford & Mayo  
618 North Highland  
Jackson, Tennessee 38301

\* \* \* \* \*

1	<u>TABLE OF CONTENTS</u>	
2	Opening Statement - Woodall	Page 4
3	Opening Statement - Ford	Page 5
4	Closing Argument - Woodall	Page 7
5	Closing Argument - Ford	Page 15
6	Closing Argument - Mayo	Page 22
7	Closing Argument - Woodall	Page 25

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1 MR. WOODALL: Ladies and  
2 gentlemen, the State of Tennessee in the  
3 sentencing phase is going to rely upon  
4 two aggravating circumstances, and in  
5 coming to the conclusion as to whether  
6 the aggravating circumstances outweigh  
7 the mitigating circumstances, the Court  
8 will instruct you at the appropriate  
9 time that you may consider everything  
10 that you've already heard put into  
11 evidence in this case. And those  
12 aggravating circumstances that the State  
13 intends to rely upon and as such the  
14 proof demonstrates, they outweigh any  
15 mitigating circumstance or circumstances  
16 that the Defendant might raise are:

17 Number one, the murder was  
18 especially heinous, atrocious or cruel,  
19 in that it involved torture or serious  
20 physical abuse, beyond that necessary to  
21 produce death.

22 And second, the murder was  
23 committed for the purpose of avoiding,  
24 interfering with or preventing a lawful

1 arrest or prosecution of the Defendant  
2 or another.

3 Thank you.

4 MR. FORD: Ladies and gentlemen,  
5 we're here at the final stage of the  
6 trial. Of course, you were very patient  
7 during the voir dire, and we talked a  
8 lot during that about aggravating  
9 factors and mitigating factors, and now  
10 we're at that point where it's your duty  
11 to balance those. And basically what  
12 you're to determine here is, is there  
13 value, is there value, to the life of  
14 Jon Hall? And we submit that there is.  
15 And we submit that mitigation will be  
16 shown.

17 And what is mitigation? It  
18 means to moderate, to lessen, to  
19 alleviate, to bring down to another  
20 level. And when you're making a  
21 decision between life and death, you  
22 need to consider everything you've  
23 heard, that you will hear, and also  
24 bring with you your common sense and

1 judgment as you do to every case.

2 We submit that mitigating  
3 circumstances will be as follows:

4 That the murder was committed  
5 while the Defendant was under the  
6 influence of extreme mental or emotional  
7 disturbance; that the capacity of the  
8 Defendant to appreciate the wrongfulness  
9 of his condition, or to conform his  
10 conduct to the requirements of the law,  
11 were substantially impaired as a result  
12 of mental disease or defect or  
13 intoxication, which was not sufficient  
14 to establish a defense, but, to  
15 establish -- to substantially affect his  
16 judgment.

17 We intend to show that the  
18 Defendant was a good worker, a good  
19 employee; that he surrendered to  
20 authorities peacefully and without  
21 resistance; that he cooperated fully  
22 with police investigators; that he has  
23 acknowledged and has never denied his  
24 responsibility for this crime; that he

1 has no significant history of prior  
2 criminal activity; that the crime  
3 committed was out of character for this  
4 Defendant; that his judgment was  
5 substantially impaired due to extreme  
6 violence he witnessed his father commit  
7 upon his mother that created  
8 psychological problems for him out of  
9 his past; that he was a caring and  
10 nurturing father who loved his children,  
11 took special care of his youngest  
12 daughter who had cerebral palsy; that he  
13 showed remorse over this crime.

14 Ladies and gentlemen, you can  
15 consider those along with anything else  
16 that's been shown to balance this man's  
17 life in your hands.

18 Thank you.

19 \* \* \* \* \*

20 MR. WOODALL: Ladies and  
21 gentlemen, up until this point in this  
22 trial, until the punishment phase of  
23 this trial, and you've already  
24 determined that the Defendant acted with

1 deliberation and premeditation, malice  
2 aforethought, Billie Jo Hall was a  
3 mannequin with marks on her, and that's  
4 all she was. She was a rather  
5 impersonal item, one without flesh or  
6 bone or hair or skin, and stood there  
7 very silently as she does right now.

8 Yes, the Defendant has his  
9 family come in, as is his right, to  
10 plead with you, and, yes, Billie Jo Hall  
11 has to rely upon the State of Tennessee  
12 and the criminal justice system for her.  
13 This Defendant has been afforded of his  
14 certain constitutional rights, as he  
15 should be. He's been given a fair and  
16 impartial trial by a jury of his peers,  
17 as he should be.

18 But I'm going to suggest to you,  
19 ladies and gentlemen, that Billie Jo  
20 Hall has certain constitutional rights  
21 also. We know not about her background  
22 and her family. We know not how she was  
23 treated as a child or how her mother or  
24 her father or her grandfather treated

1 her as a child. All we know about  
2 Billie Hall is what has been presented  
3 in this courtroom in evidence. And I'm  
4 sure that it goes without saying that  
5 the parents of Billie Hall wish that  
6 they could come to court today, look at  
7 her living, breathing, walking, holding  
8 the hands of her children and be able to  
9 visit rather than the mannequin or the  
10 photographs that have been placed into  
11 evidence. Because you see, there's a  
12 difference between Billie Jo Hall,  
13 Billie Jo's family and the Defendant.

14 Yes, he's going to be  
15 incarcerated. He'll be incarcerated for  
16 however long or receive the sentence  
17 that you give him, whether it be life,  
18 life without parole or the death  
19 penalty. And the State of Tennessee  
20 asked you from the very beginning of  
21 this trial that after you make a  
22 determination that this Defendant is, in  
23 fact, guilty of the offense for which he  
24 is charged, that the State of Tennessee

1 was going to ask you to impose the death  
2 penalty. The State of Tennessee is  
3 going to again ask you to impose the  
4 death penalty based upon the law and the  
5 evidence and that which has been  
6 presented to you.

7           You've heard the proof in this  
8 case, and you've heard what Dr. Smith  
9 had to say on two occasions, and you  
10 heard that based upon his medical  
11 findings, that the murder and the manner  
12 of death of Billie Jo Hall was cruel.  
13 And the Court will instruct you at the  
14 appropriate time that that means that --  
15 cruel means to inflict pain or  
16 suffering, causing suffering painfully.  
17 And we also have told you that it  
18 involved torture, and that the manner of  
19 her death was way beyond that which was  
20 required to produce death. Torture,  
21 heinous, cruel. The Court will give you  
22 definitions, but you're entitled to use  
23 your own thought processes, your own  
24 experiences and what you've seen and

1 related in this courtroom today, and I  
2 say by means of definition, that nothing  
3 provides a better definition than this  
4 photograph of the right side of Billie  
5 Jo Hall's face. Here's another  
6 definition of atrocious and cruel and  
7 heinous and torture and depravity of  
8 mind, when you see her chin and look up  
9 inside her little lips where she was  
10 beaten by this Defendant. Here's some  
11 more definitions of how she lay on the  
12 gurney, she laid in repose there after  
13 being literally beaten to death by this  
14 Defendant. Every portion of her body  
15 has been beaten, kicked, scratched,  
16 struck, drug, cracked. She's been  
17 tortured. It's heinous. It's  
18 atrocious. What more definition do you  
19 need of heinous and atrocious than that?  
20 What more do you need than that right  
21 there, that picture that's been marked  
22 into evidence as State's Exhibit Number  
23 10? How lucky the family of Jon Hall,  
24 that they can look at Jon Hall. This is

1 all the family of Billie have left.

2           You talking about torture,  
3 here's another example of torture and  
4 heinous and cruel. Here's another  
5 definition of heinous, atrocious, cruel.

6           I'm sure that the family of this  
7 Defendant is telling you like it was.  
8 It was not a good upbringing. I thought  
9 it was interesting that the mother said  
10 that she was amazed at how well her sons  
11 did when they weren't raised that way.  
12 Well the Defendant didn't do very well,  
13 did he? And, you know, I don't care how  
14 you're raised, whether you're raised  
15 tough or poor, black, white, east side  
16 of town, north side of town, rich or  
17 poor, when you get down to it, ladies  
18 and gentlemen, each and every one of us  
19 is responsible for our own conduct.  
20 Each and every one of us is responsible  
21 for our own conduct. How we were  
22 raised, where we were raised, which side  
23 of town we were raised on, in no way  
24 justifies or mitigates a deliberate and

1 premeditated murder in the presence of  
2 four little children.

3           Now you talk about injury, we  
4 know what kind of injury the body has.  
5 We've seen them. But think about the  
6 injuries to these little girls. They're  
7 not visible, but they're there. They're  
8 there. And they're five and seven and  
9 nine and eleven. No ice cream, treated  
10 bad on report card day, his mama being  
11 struck by the daddy, grandfather being  
12 an alcoholic. They're not responsible  
13 for that. They're not responsible for  
14 that. They're not responsible for that.  
15 They're not responsible for that.  
16 They're not responsible for that.  
17 They're not responsible for that.  
18 They're not responsible for that either.

19           THE COURT: General, just a  
20 little louder. I can't hear you. I'm  
21 getting a little old.

22           MR. WOODALL: But Jon Hall is.  
23 He's the one that deliberately,  
24 premeditatedly beat and beat and beat

1 and beat and beat and beat and beat.

2 Nobody else but him. Nobody else but  
3 him.

4 Ladies and gentlemen of the  
5 jury, the Court will charge you the  
6 definition of the aggravating factors  
7 the State alleges, and it's your duty  
8 and your obligation that if one or more  
9 of the aggravating circumstances alleged  
10 by the State of Tennessee is proven  
11 beyond a reasonable doubt to a moral  
12 certainty, outweigh the mitigating  
13 circumstances that this Defendant has  
14 presented, it's your duty and your  
15 obligation and your sworn oath to vote  
16 for the death penalty. If you feel like  
17 an upbringing, a bad upbringing,  
18 assuming everything his sisters and his  
19 mother said is true, and the fact that  
20 he was a good employee, a good mechanic,  
21 took care of his children, -- There's  
22 proof that most of the time the children  
23 were taken care of by a babysitter, but  
24 let's go by what has been presented this

1 afternoon. If you feel like that that  
2 outweighs -- that these mitigating  
3 factors outweigh this and this and this  
4 and this and this and this -- No, it's  
5 too late to be sorry now. Jon Hall is  
6 responsible for his own conduct, and I  
7 submit to you, ladies and gentlemen,  
8 that based upon the law, the evidence  
9 and the proof, that the State has proven  
10 beyond a reasonable doubt, to a moral  
11 certainty, that the aggravating  
12 circumstance or circumstances have been  
13 proven by the State of Tennessee beyond  
14 a reasonable doubt and to a moral  
15 certainty, and they're not outweighed by  
16 all of the mitigating circumstances, and  
17 that you will render a verdict that the  
18 proof dictates and justice demands.

19 THE COURT: You did just about  
20 half, General.

21 All right, Mr. Ford, Mr. ...

22 MR. FORD: Ladies and gentlemen,  
23 we're going to split our argument, Mr.  
24 Mayo and I are.

1           And we didn't come here to make  
2     excuses for this. There's no excuse for  
3     this kind of conduct. That's not what  
4     mitigation's all about. It's not an  
5     excuse. Mitigation is to lessen, to  
6     alleviate, to give a reason to spare  
7     this man's life. Is there a reason?

8           The State says that Mr. Hall has  
9     turned these children into victims. In  
10    a way he has. But today, you have power  
11    to alleviate some of that. The mother's  
12    gone. Nothing that can happen here  
13    today can bring back that precious life,  
14    but, taking his life will only further  
15    victimize these children. That is a  
16    great concern, consideration. They had  
17    no control over coming into this world.  
18    They had no control over their  
19    environment. None of us do. But who  
20    are we to say that taking their father's  
21    life is going to make things better.  
22    Now how is that going to happen? I  
23    can't think of one reason in the world  
24    that taking someone else's life is going

1 to help these children. That's what the  
2 State of Tennessee wants you to do.  
3 "Well, if you give Mr. Hall the death  
4 penalty, that's going to be good for  
5 these children." That's skewed logic,  
6 ladies and gentlemen. Don't buy into  
7 that.

8 Mitigating. Power. A huge  
9 amount of power is in your hands today.  
10 You've got the power to dispense mercy.  
11 You know, it's very difficult to prepare  
12 for this kind of argument because you  
13 hope and pray that you will not get to  
14 this point in the trial. We talked  
15 about that during voir dire, that the  
16 case would be divided up into two parts.  
17 But in preparing for this, I thought,  
18 what is an appropriate thing to say?  
19 You know, this country, we -- there is a  
20 higher law that this country's  
21 principles are based on, Christian  
22 fundamentals, higher laws that were here  
23 long before the country was created.  
24 This country's laws are based on those

1 fundamental Christian principles. And I  
2 thought of the Bible passage where Jesus  
3 was on the cross. He's going to be  
4 crucified with two other unfortunate  
5 individuals. They're going to meet  
6 their death with him. And what did He  
7 say about those two individuals? He was  
8 about to meet his death, and He was  
9 thinking about two unfortunate  
10 individuals, and what did He say?

11 "Father, forgive them, for they  
12 know not what they do."

13 I submit to you that Mr. Hall  
14 really didn't know what he did. He  
15 didn't at the time realize what he was  
16 doing. No excuse, no justification.  
17 But there is value to this man's life.

18 Randy Helms, the honorable  
19 gentlemen from Lexington, from the same  
20 community. He doesn't have a dog in  
21 this fight. Gives his time, comes down  
22 here, and he says, "Yes, there's value  
23 to his life. He was a good father. He  
24 took care of these children. He came to

1 me. I gave him a job." But when he  
2 couldn't do the job anymore, when his  
3 personal problems became too great for  
4 him to continue with that job which was  
5 shortly before this unfortunate event  
6 occurred, what did he do? He was man  
7 enough to come to Mr. Helms and say, "I  
8 can't do this job anymore. I quit. I'm  
9 unable to continue doing this job."  
10 People like Mr. Helms don't come in  
11 pleading for somebody's life if there's  
12 no value to that life.

13 And I anticipate that the State  
14 will say, "Well, they brought in two  
15 clinical psychologists, and, oh, boy,  
16 you know, they're trying to make all  
17 kind of excuses." No. These people  
18 were trained professionals, ladies and  
19 gentlemen.

20 Obviously Mr. Hall came from a  
21 dysfunctional family, highly  
22 dysfunctional. There's nobody in this  
23 courtroom that hadn't been close to a  
24 situation like that. It takes its toll,

1 it has an affect, but it's not an  
2 excuse. It's a mitigation. We're not  
3 looking for an excuse. We're looking  
4 for a reason not to take this man's  
5 life. Every day that he's alive, I  
6 submit to you, is a living hell. The  
7 easy thing to do is put him out of his  
8 misery. Take his life. That's what the  
9 State wants you to do. You know, death  
10 is final. Final. We can't change the  
11 fact that he's the father, the natural  
12 father, of two of these children. We  
13 can't change that. So what do we do?  
14 Do we take vengeance by removing the  
15 father from their lives forever? No.  
16 It's final. There's no possibility for  
17 him to ever have a relationship with  
18 those children if his life is taken. Do  
19 we want to victimize them further? Is  
20 that the answer to this unfortunate  
21 situation, to further victimize these  
22 children? Are they of an age that they  
23 can have any say-so in this? No. What  
24 if it's ten years, they turn around and

1 say, "My mother is gone. My father is  
2 gone, and I want to know why." Oh,  
3 well, "He killed your mother, and that's  
4 why he's gone." Is that justice, ladies  
5 and gentlemen? Taking two lives? No.  
6 It further victimizes those two  
7 individuals who have no say-so at this  
8 point in their lives. It doesn't bring  
9 her back, but it sure doesn't solve the  
10 problem.

11 "Vengeance is mine, thus saith  
12 the Lord."

13 Not mine, not the State of  
14 Tennessee. Have mercy on him. That's  
15 what we're asking. See your way clear  
16 to think about these mitigating  
17 circumstances that will be in the  
18 Judge's charge to you. I read them to  
19 you during the opening statement. I'm  
20 not going to read them again because you  
21 are all intelligent, you can read, you  
22 can see. You can find in these  
23 mitigating circumstances something to  
24 save his life, and I submit that it's

1 there. There is some quality in this  
2 man's life. But remember those  
3 children. You take his life, and they  
4 become victims again. Thank you.

5 THE COURT: All right, Mr. Ford  
6 -- Mr. ...

7 MR. MAYO: Ladies and gentlemen,  
8 thank you for your time once again.  
9 We're now, as you've already been told,  
10 at the most difficult, most important  
11 decision in this case. You disagreed  
12 with our theory of murder, and we accept  
13 that, because at the very root of our  
14 argument was the idea that Mr. Hall came  
15 from a background and had so many  
16 problems in his life, that he really  
17 didn't have a complete grasp on how  
18 final what he did was. That's all we  
19 were really trying to say. Some of the  
20 proof didn't come in at that stage, and  
21 again, that's absolutely no excuse. It  
22 just serves to help explain how this  
23 could happen, because I'm sure you're at  
24 a loss as to how it could happen. And

1 maybe that helps some. We hope it does.

2           Mr. Hall is a human being. He  
3 is alive. He is breathing. He can walk  
4 and he can talk. The State's asking you  
5 to take that away from him, his very  
6 life. But he's human. He has humanity  
7 about him, regardless of what the State  
8 says. You can't strip every bit of  
9 humanity he has because of what he did.  
10 You can take away a lot of it and you  
11 can cause a lot of doubts about how --  
12 what kind of person he is, but you can't  
13 just strip his humanity away from him  
14 like that. You have to look at other  
15 things in his life. And that's how --  
16 why we presented testimony and proof  
17 about how he took care of these  
18 children, because it shows you that no  
19 matter what he did, he was human. He  
20 has love. He's capable of emotions like  
21 that. He took care of his three-year-  
22 old daughter with cerebral palsy, giving  
23 her breathing treatments every day.  
24 Now, someone that had no humanity about

1   them would not care.   Someone incapable  
2   of love would not care.   He has those  
3   attributes.   They may be very difficult  
4   to see, but they're there.

5               We didn't live with him, we  
6   didn't grow up around him.   We don't  
7   know exactly what he went through.   We  
8   don't know exactly how well he took care  
9   of those children, but we know,  
10   hopefully through this testimony, that  
11   he loved them and that he loved his  
12   wife.   It turned into a twisted, sick  
13   kind of love, but he loved her.   He is  
14   human.   He has humanity, and you're  
15   being asked to strip that from him.

16              Supreme Court Justice Brennan  
17   was quoted in an article called Capital  
18   Punishment, in a concurring opinion in  
19   Furman v. Georgia, stated "Death is a  
20   truly awesome punishment.   The  
21   calculated killing of a human being by  
22   the state involves, by its very nature,  
23   a denial of the executed person's  
24   humanity."

1           You're being asked to state his  
2 life has no worth at all. Don't say  
3 that, please. Think about his children.  
4 We may not understand how they could  
5 need him, but they may need him as the  
6 years go by. They may.

7           Thank you.

8           MR. WOODALL: That having been  
9 said, the mitigating circumstances do  
10 not outweigh the aggravating  
11 circumstances. The mitigating  
12 circumstances do not outweigh the  
13 aggravating circumstances.

14           And I think there's something  
15 else in response to what the defense  
16 team had to say that needs to be said.  
17 It was also said by that Man:

18           "Render unto Caesar that which  
19 is Caesar's, unto God that which is  
20 God's."

21           It's time for Jon Hall to be  
22 held accountable for his own criminal  
23 conduct and to render that to which he  
24 owes to Caesar.

1                   Thank you.

2                                   \* \* \* \* \*

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CERTIFICATE

2

I, the undersigned Amy Mays,  
Official Court Reporter for the 26th  
Judicial District of the State of  
Tennessee, do hereby certify that the  
foregoing is a true, accurate and  
complete transcript, to the best of my  
knowledge and ability, of the requested  
proceedings had in the captioned cause,  
in the Criminal Court for Madison  
County, Tennessee, on the 5th day of  
February, 1997.

13

I do further certify that I am  
neither of kin, counsel nor interest to  
any party hereto.

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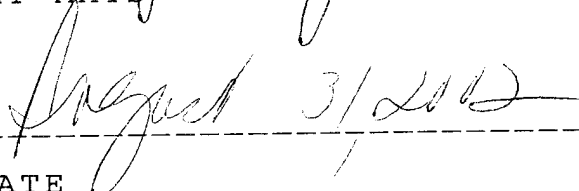
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AMY MAYS  
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DATE